

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

JONATHAN VALDERRAMA,

Plaintiff,

v.

**BBVA COMPASS, BBVA USA,
THE PNC FINANCIAL SERVICES
GROUP, INC.,**

Defendants.

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Civil Action No. **3:21-CV-01776-L-BH**

ORDER

Before the court is Defendants BBVA Compass, BBVA USA, and the PNC Financial Services Group, Inc.’s (collectively, “Defendants”) Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(6), or, in the Alternative, Motion for Judgment on the Pleadings Pursuant to Fed. R. Civ. P. 12(c), or, in the Alternative, Motion for More Definite Statement Pursuant to Fed. R. Civ. P. 12(e) and Brief in Support (“Motion”) (Doc. 4), filed on August 6, 2021. On November 22, 2021, the Findings, Conclusions, and Recommendation of the United States Magistrate Judge (“Report”) (Doc. 6) was entered recommending that the court grant Defendants’ Motion to Dismiss* and deny as moot Defendants’ alternative motions. No objections to the Report were filed by the parties, and the deadline for doing so has expired.

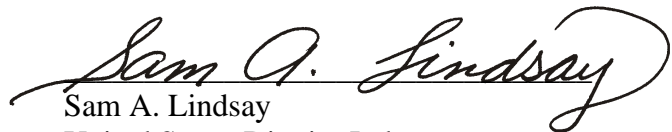
Having considered the motion, the pleadings in the underlying case, the record, and Report, the court **determines** that the findings and conclusions of the magistrate judge are correct, and **accepts** them as those of the court. Additionally, Plaintiff Jonathan Valderrama (“Plaintiff” or

* If the court permits Plaintiff to file an amended complaint, and he does so timely, the magistrate judge recommends that the court deny as moot Defendant’s Motion.

“Mr. Valderrama”) has not amended his petition since he filed this action in state court on July 1, 2021. Mr. Valderrama also did not respond to Defendants’ Motion filed after removal despite the magistrate judge specifically inviting him to do so in her Order (Doc. 5), entered on August 8, 2021. Moreover, Plaintiff did not object or file an amended complaint within the 14 days allotted for objections to the Report. In light of these repeated failures or refusals by Mr. Valderrama, the court can only reasonably infer that he has stated his “best case” and is steadfastly refusing or declining to prosecute this action. The court is not persuaded that additional time or opportunity will motivate Plaintiff to litigate this claim brought against Defendants. Therefore, the court will not allow Mr. Valderrama an additional opportunity to amend his pleadings.

Accordingly, the court **grants** Defendants BBVA Compass, BBVA USA, and the PNC Financial Services Group, Inc.’s Motion to Dismiss (Doc. 4); **denies as moot** Defendants’ alternative motions, including their Motion for Judgment on the Pleadings and Motion for More Definite Statement; and **dismisses with prejudice** all claims asserted by Plaintiff in this action. In accordance with Rule 58 of the Federal Rules of Civil Procedure, judgment will issue by separate document.

It is so ordered this 21st day of December, 2021.


Sam A. Lindsay
United States District Judge